

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2485 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

and

MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements? No
2. To be referred to the Reporter or not? No :
3. Whether Their Lordships wish to see the fair copy : YES
of the judgement? No
4. Whether this case involves a substantial question No :
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? No :

MOHMED SULEMAN KOYA

Versus

STATE OF GUJARAT

Appearance:

MR AG VYAS for Petitioner

MR DN PATEL, I/C.GOVERNMENT PLEADER for Respondents

Nos. 1 & 2.

MR MB GANDHI, for respondent no.3.

CORAM : MR.JUSTICE J.M.PANCHAL and

MR.JUSTICE R.P.DHOLAKIA

Date of decision: 01/07/1999

ORAL JUDGEMENT

(Per : Panchal, J.)

Rule. Mr. D.N. Patel, learned Incharge

Government Pleader waives service of notice of rule on behalf of respondents no.1 & 2. Mr. M.B.Gandhi, learned Counsel waives service of notice of rule on behalf of respondent no.3. At the joint request of learned advocates appearing for the parties, the petition is taken-up for final hearing today.

2. By means of filing this petition, the petitioner has prayed to issue a writ of mandamus or any other appropriate writ, order or direction declaring that the action of the respondents in not restoring land bearing survey no.564 paiki situated at village Kosamdi, Taluka : Ankleshwar, District : Bharuch to the petitioner, is arbitrary, illegal, null and void.

3. The land in question was acquired on the basis of publication of notification issued under section 4(1) of the Land Acquisition Act, 1894 on June 24, 1981. The acquisition was completed and possession of the land was taken in the year 1982. The petitioner through this Special Civil Application seeks restoration of land to him on the ground that the land has not been put to the actual use for which it was acquired. The law is well settled on this ground and the acquired land cannot be restored to the petitioner, as it has vested in the State Government. In the alternative, learned Counsel for the petitioner has submitted that this land is given by the State Government to the G.I.D.C. and the G.I.D.C. makes re-allotment of the land. In case any such procedure is going on and the petitioner's application is pending or in case the petitioner moves such an application before G.I.D.C. for re-allotment of the land, the same may be considered in accordance with the policy of G.I.D.C. and law within a reasonable time, but not later than a period of six months from the date of receipt of the application.

With the above observations, the petition is dismissed. Rule is discharged, with no order as to costs.